RECEIVED
CENTRAL FAX CENTER
OCT 20 2005

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) Applicant(s): Paul A. Zulpa, et al.			Docket No. YOR920010351US1 / 127-0008
Application No. 09/882,094	Filing Date 06/15/2001	Examiner Joseph A. Fischetti	Group Art Unit 3627

Invention: METHOD FOR FACILITATING AND MAINTAINING AN ACTIVE PARTS DATA REPOSITORY

I hereby certify that this Transmittal Letter (1 pg); Corrected Appeal Brief (15 pgs)
(Identify type of correspondence)
is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 571-273-8300
on October 20, 2005
(Date)

Sandy Yopp
(Typed or Printed Name of Person Signing Certificate)

Sandy Yopp
(Signature)

Note: Each paper must have its own certificate of mailing.

TRANSMITTAL LETTER (General - Patent Pending)	Docket No. YOR920010351US1 / I27-0008

In Re Application Of: Paul A. Zulpa, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/882,094	06/15/2001	Joseph A. Fischetti	48915	3627	7745

Title: METHOD FOR FACILITATING AND MAINTAINING AN ACTIVE PARTS DATA REPOSITORY

RECEIVED
CENTRAL FAX CENTER
OCT 2 0 2005

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Corrected Appeal Brief

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 50-0510 as described below.
  - ☐ Charge the amount of
  - ☐ Credit any overpayment.
  - ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature

Dated: October 20, 2005

Marisa J. Dubuc
Registration No. 46,673
Cantor Colburn LLP
55 Griffin Road South
Bloomfield, CT 06002
Phone: 860-286-2929
Fax: 860-286-0115

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

cc:

RECEIVED
CENTRAL FAX CENTER
OCT 20 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	PAUL A. ZULPA ET AL.	)
		) Before the Board of
Serial No.:	09/882,094	) Appeals
		)
Filed:	June 15, 2001	)
		)
For:	METHOD FOR FACILITATING AND MAINTAINING AN ACTIVE PARTS DATA REPOSITORY	) Appeal No.))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CORRECT APPEAL BRIEF

This Corrected Appeal Brief is submitted in response to a Notice of Non-Compliant Appeal Brief mailed on October 7, 2005.

THE REAL PARTY IN INTEREST

The real party in interest in this appeal is International Business Machines, Inc. Ownership by International Business Machines, Inc. is established by assignment document recorded for this application on June 15, 2001 on Reel 011914, Frame 0239.

RELATED APPEALS AND INTERFERENCES

Appellants know of no related patent applications or patents under appeal or interference proceeding.

STATUS OF CLAIMS

Claim 10 has been cancelled. Claims 11-20 have been withdrawn. Claims 1-9 stand rejected. The rejections of claims 1-9 are herein appealed.

PAGE 3/17 * RCVD AT 10/20/2005 3:40:20 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/31 * DNIS:2738300 * CSID:8602860115 * DURATION (mm-ss):05-06

STATUS OF AMENDMENTS

There have been no amendments filed subsequent to receipt of the final office action.

SUMMARY OF CLAIMED SUBJECT MATTER

A concise explanation of the subject matter defined in the independent claim 1 involved in the appeal is provided below:

Claim 1

Claim 1 recites "[a] method for facilitating database management processes for an enterprise via a communications network."

The method comprising "extracting part data relating to a part from a data storage device" (Figure 2; page 9, lines 13-16; Figure 1, data storage device 120).

The method further comprising "retrieving activity data related to said part, said activity data including: demand data; purchase data; and creation data including a date a part number for the part is added to the data storage device" (Figure 2; page 9, lines 19-20; page 10, lines 13-16; page 7, lines 15-16; page 8, lines 10-14).

The method further comprising "evaluating said part data and said activity data" (Figure 2; page 8, lines 10-17; page 9, line 12-page 13, line 5).

The method further comprising "associating a status code with said part data based upon results of said evaluating, the status code assigned being one of an active status and an inactive status" (Figure 2; page 12, line 2-page 13, line 3).

The method further comprising "storing said part data and said status code in said data storage location, wherein said facilitating said database management processes is accomplished by a parts database management software application" (Figure 1; page 4, lines 15-16; page 13, lines 1-3).

The above exemplary embodiments are discussed with respect to the aforementioned

independent claim by way of example only and is not intended to in any way limit the scope of these claims.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-9 have been rejected as being allegedly unpatentable over Huang et al. in view of Underwood and Liff et al. The rejections of claims 1-9 as being allegedly unpatentable over Huang et al. in view of Underwood and Liff et al. is to be reviewed on appeal.

Claims 1 and 7 have been rejected as being allegedly unpatentable over Huang et al. in view of Underwood and Liff et al. and in further view of Rand et al. The rejections of claims 1 and 7 as being allegedly unpatentable over Huang et al. in view of Underwood and Liff et al., and in further view of Rand et al. is to be reviewed on appeal.

ARGUMENT

Rejection of claims 1-9

Claims 1-9 have been rejected as being allegedly unpatentable over Huang et al. in view of Underwood and Liff et al.

The Examiner states with respect to claim 1 that Huang et al. recite a method for facilitating database management processes for an enterprise via a communications network, comprising: extracting part data (In support, the Examiner cites support thread 40 analyses or extracts data from database 12) relating to a part from a data storage location (in support, the Examiner cites data storage is read as DSS database 12); retrieving activity data related to said part, said activity data including: demand data (81); purchase data (PSI data includes sales data); and creation data (read as the data created for the history of the replaced products col. 36, line 55) (Office Action dated December 23, 2004).

Huang et al. disclose a Decision Support System (DSS) 10 for providing a view "into a supply chain that takes into account the viewpoint of a particular user, such as a plant manager or sales manager (col. 1, lines 54-57; FIG. 1). Huang et al. further disclose that the Decision Support System "allows a decision maker in a supply chain to view the chain from their own

perspective" (col. 1, lines 45-46; FIG. 1). The DSS 10 uses a library of models and routines that are logically linked and assembled to provide customized decision support (col. 4, lines 35-49). The system of Huang seeks to provide a view of database information that is geared toward the particular role/needs of the system user (col. 1, lines 13-21). The system implements this via a server side architecture and a client side architecture, including a decision support system database that interfaces with various model engines (co. 2, lines 30-36).

The DSS database 112 disclosed in Huang comprises "structural information (information related to relatively static information such as product groups, market groups, supply chain network, etc.), and process information (dynamic information related to demand, production plan, etc.) (col. 8, lines 31-35). Specifically, the data stored in DSS database 112 are recited in column 9, line 65 through column 11, line 4. As shown and described in Huang, there is no mention of part data as indicated by the Examiner. Further the DSS support thread 40 taught in Huang does not teach or suggest extracting part data, but rather provides a invocation of the thread that passes through "visual objects of a User Interface 18, decision logic and what-if scenario manager in a Decision Support Frame, Supply Chain Frame Managers, models or analysis routines in the Model Engine 20 and appropriate data elements in the DSS Database 12" (col. 5, lines 53-59).

Moreover, Huang is devoid of teaching activity data including demand data, purchase data, and creation data that a date a part number for the part is added to the data storage device. The Examiner cites demand data 81, PSI data, and data created for the history of the replaced products (cited in column 36, line 55). As shown in Figure 8, demand management 81 relates to a "process by which the customers' requirements are characterized with the specification of prevailing uncertainly" (col. 12, lines 51-54). In addition, PSI Planning 82 relates to a "process to determine a set of feasible sales, production and inventory requirements for medium to long-term capacity and resource planning for the logistics operations" (col. 13, lines 8-12). Thus, the items cited by the Examiner do not support his arguments that Huang teaches demand data and purchase data. Moreover, the Examiner has interpreted the creation data recited in Appellants' claim 1 in a vacuum rather than in the context of the claim limitations as a whole. As recited, claim 1 recites the limitation "creation data including a date a part number for the part is added to the data storage device". There is simply no teaching of creation data in Huang.

The Examiner concedes that Huang et al. fail to disclose evaluating said part data and said activity data, associating a status code with said part data based upon results of said evaluating, and storing said part data and said status code in said data storage location, wherein said facilitating said database management, processes is accomplished by a parts database management software application. However, the Examiner states that Underwood discloses evaluating using functional interrelationships between business components and then assigning a code to these items and storing same in a database. The Examiner then states that it would have been obvious to modify Huang et al. with the code base arrangement of the data structure of Underwood in order to increase efficiency of the database relative to an unsorted one not using codes (Office Action dated December 23, 2004).

Underwood teaches a method and system for initializing a database used with an issue tracker and has no bearing on the supply chain activities and structures recited in Appellants' claim 1. Thus, Underwood is non-analogous art. Notwithstanding, the Examiner's interpretation of Underwood as teaching the assignment of status codes to items is in error. The codes taught by Underwood do not relate in any sense to the assignment of an inactive or active status code, but rather the codes disclosed in Underwood are used for mapping items between databases (col. 19, line 24-col. 20, line 15).

Accordingly, the teachings of Underwood do not cure the deficiencies of Huang et al. For at least these reasons, claim 1 patentably defines over Huang et al. and Underwood.

The Examiner further concedes that Huang et al. also fail to disclose data including a date a part number for the part is added to the database. The Examiner, however, states that Liff et al. disclose such a cataloging system. In support, the Examiner cites column 13, lines 33-43 and contends that Liff disclose that beginning at the pre-packager 102, all transactions are recorded in real time to the main computer 100, and interprets the data banking step of bar coding the drug package at the device 102 as adding a part number "because the bar code number is known to the data base 100 as a part number and is done in real time giving it a time stamp as well" (Office Action dated December 23, 2004). The Examiner then states that it would be obvious to modify the system/method of Huang et al. to include a date stamp of the day the parts enter the system as taught by Liff et al. because the motivation would be the input of data critical to knowing the age of the part on the shelf and to have a quick determination of whether the part has become

PAGE 7/17 * RCVD AT 10/20/2005 3:40:20 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/31 * DNIS:2738300 * CSID:8602860115 * DURATION (mm-ss):05-06

outdated.

Liff teaches a method and system for an automated drug dispensing system. The automated drug dispensing system has no bearing on the supply chain activities recited in Appellants' claim 1. As such, Liff is non-analogous art. Notwithstanding, the Examiner's application of Liff et al. to the Appellants' claim 1 is in error. In addition, the Examiner's response to the Official Notice traversal and cited teachings (namely, col. 19, lines 18-19) is in error. The active and inactive status assignments taught in Liff refer to a patient's medicine history, whereby the current medications are considered to be "active" and the past medications are considered "inactive" (col. 13, lines 33-43; col. 19, lines 18-19). For at least these reasons, the teachings of Liff do not cure the deficiencies of Huang et al. For at least these reasons, claim 1 patentably defines over Huang et al. in view of Underwood and Liff et al.

Claims 2-9 should be patentable as depending from what should be an allowable independent claim.

Claim 2 should also be allowable as setting forth patentable subject matter in and of itself. Claim 2 recites "wherein said part data includes: a part number; a part name; and a part description." The Examiner relies on official notice contending that it is an old and well-known practice to refer to parts by part number; a part name; and a part description. However, the Examiner appears to be interpreting claim 2 in a vacuum and not in the context of the claim language. The Appellants are not claiming the act of referring to parts by part name, number, and/or description. Rather, claim 2 seeks to clarify the nature of the part data that is recited in claim 1, which is an allowable claim. For at least these reasons, claim 2 patentably defines over Huang et al. in view of Underwood and Liff et al.

Claims 3 and 6 should also be allowable as setting forth patentable subject matter in and of themselves. Claim 3 recites "wherein said evaluating said activity data includes: determining an occurrence of a demand for said part; assessing currency of said demand; quantifying said demand; wherein results of said determining said occurrence, said assessing said currency, and said quantifying said demand causes said parts database management software application to: associate said status code with said part data when a first condition is met, the first condition relating to at least one of an absence or presence of the demand, the currency of the demand, and the quantity of the demand; and perform additional evaluations of said activity data when the first

condition is not met."

Claim 6 recites, "wherein said evaluating said activity data includes: determining an occurrence of said purchase activity; assessing currency of said purchase activity; quantifying refund activity related to said purchase activity; wherein results of said determining said occurrence, said assessing said currency, and said quantifying said refund activity causes said parts database management software application to: associate said status code with said part data when a second condition is met, the second condition relating to at least one of an absence or presence of the purchase activity, the currency of the purchase activity, and the quantity of the purchase activity; and perform additional evaluations of said activity data when the second condition is not met."

With respect to claims 3 and 6, the Examiner contends that Huang et al. disclose determining an occurrence of a demand for said part (citing data history 136, 130), the occurrence of purchase activity (citing col.12 lines 66, 67 accessing POS data), and a date upon which said part number was entered into a database (citing Huang et al. table 1-3 as showing date created data and Liff et al. col. 13, lines 33-43). The Examiner further contends that Huang et al. teach assessing currency of said demand (citing col. 41 lines 55-59 'the long term demand is favored over short term') and quantifying said demand (citing Table 8 for quantifying demand). The Examiner concedes that the limitations "wherein results of said determining said occurrence, said assessing said currency, and said quantifying said demand causes said parts database management software application to..." are not met by Huang et al. The Examiner states, however, that based upon Underwood it would be obvious to modify Huang et al. to include the steps of assessing said currency, and said quantifying said demand to cause said parts database management software application to associate said status code with said part data when a first condition is met (interpreting the first condition as the planning decision in Huang et al., e.g., presence of demand); and perform additional evaluations of said activity data when the first condition is not met (citing Underwood for allegedly teaching subsequent reconfiguring of the coded data post categorization). The Examiner states that the motivation for this subsequent analysis and database response would be to maintain the integrity of the data in the database.

Huang et al. and Liff et al. fail to disclose determining an occurrence of a demand for said part (citing data history 136, 130 which is not synonymous with an occurrence of a demand for a

part), the occurrence of purchase activity, and a date upon which said part number was entered into a database (neither Huang et al. table 1-3, nor Liff et al. teach creation data as indicated above). Moreover, Huang et al. fail to disclose assessing currency of said demand (citing col. 41 lines 55-59 'the long term demand is favored over short term' is not synonymous with assessing the currency of a demand), and quantifying said demand. Accordingly, with respect to the remaining limitations of claims 3 and 6, the teachings of Underwood as applied to Huang et al. and Liff et al. would not cure their deficiencies. For at least these reasons, claims 3 and 6 patentably define over Huang, Underwood, and Liff.

Claim 5 should also be allowable as setting forth patentable subject matter in and of itself. Claim 5 recites "wherein said demand activity includes orders received related to said part number." The Examiner cites column 19, line 30 ("each equipment's activity") in support. The equipment activity as taught by Huang is not synonymous with the orders received relating to the part number as indicated by the Examiner. For at least these reasons, claim 5 patentably defines over Huang.

Claim 8 should also be allowable as setting forth patentable subject matter in and of itself. Claim 8 recites "wherein said evaluating said activity data includes determining whether said part number is owned by a group of said enterprise, wherein said results of said determining causes said parts database management software application to associate said status code with said part data. The Examiner contends that the demand inquiry in Huang et al. identifies vendors which tells whether said part number is owned by a group of said enterprise. The vendors taught by Huang et al. are not synonymous with ***the group of the enterprise*** as recited in claim 8. A vendor is an outside or external entity, and the group is internal to the enterprise. The Examiner contends that the second half of this claim does not tie any positive elements to effect the desired result. The Appellants submit that the claim 8 recites elements that are positively and appropriately manipulated by process steps provided therein. Specifically, a status code is associated with the part data in response to determining a group that owns the part number. For at least these reasons, claim 8 patentably defines over Huang et al.

Claim 9 should also be allowable as setting forth patentable subject matter in and of itself. Claim 9 recites "wherein said results of said evaluating are reviewed by a council for said part numbers with said status code". The Examiner contends that the council is read as supply

chain participants in Huang et al. The supply chain participants taught by Huang et al. is not synonymous with the council recited in claim 9. For at least these reasons, claim 9 patentably defines over Huang et al.

Rejections of claims 1 and 7

Claims 1 and 7 have been rejected as being allegedly unpatentable over Huang et al. in view of Underwood and Liff et al., and further in view of Rand et al.

With respect to claim 1, the Examiner contends that Huang et al. and Liff et al. disclose a date upon which said part number was entered into a database (citing Huang et al., Table 1-3 for allegedly showing date created data, and Liff et al., col. 13, lines 33-43). As indicated above with respect to claim 1, the date upon which the part number is entered into a database is not taught by Huang et al. or Liff et al.

The Examiner concedes that none of the references disclose an obsolete item check. However, the Examiner states that Rand et al. disclose such an obsolete check, interpreting record fields that include a specific location for obsolescence (see Table 1, item #16). The Examiner contends that Underwood discloses performing additional evaluations of said activity data when the obsolete has not been met (citing Underwood for teaching subsequent reconfiguring of the coded data post categorization). The Examiner claims that the motivation for this analysis would be to maintain the integrity of the data in the database. Rand et al. teaches a method for calculating excess inventory. The teachings of Rand et al. do not cure the deficiencies of Huang, Underwood, and Liff. For at least these reasons, claim 9 patentably defines over Huang, Underwood, Liff, and Rand.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

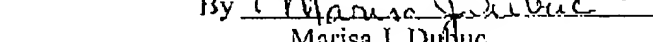
None

CONCLUSION

In view of the foregoing, it is urged that the final rejection of claims 1 - 9 be overturned. The final rejection is in error and should be reversed. The fee set forth in 37 CFR 41.20(b)(2) is enclosed herewith. If there are any additional charges with respect to this Appeal Brief, or otherwise, please charge them to Deposit Account No. 50-0510 maintained by Appellants' assignee.

Respectfully submitted,

CANTOR COLBURN LLP

By 
Marisa J. Dubuc
Registration No. 46,673
Customer No. 48915

Date: October 20, 2005
Address: 55 Griffin Road South, Bloomfield, CT 06002
Telephone: (860) 286-2929
Fax: (860) 286-0115

PAGE 12/17 * RCVD AT 10/20/2005 3:40:20 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/31 * DNIS:2738300 * CSID:8602860115 * DURATION (mm-ss):05-06

CLAIM APPENDIX

Claim 1. A method for facilitating database management processes for an enterprise via a communications network, comprising:

extracting part data relating to a part from a data storage device;

retrieving activity data related to said part, said activity data including:

demand data;

purchase data; and

creation data including a date a part number for the part is added to the data storage device;

evaluating said part data and said activity data;

associating a status code with said part data based upon results of said evaluating, the status code assigned being one of an active status and an inactive status; and

storing said part data and said status code in said data storage location, wherein said facilitating said database management processes is accomplished by a parts database management software application.

Claim 2. The method of claim 1, wherein said part data includes:

a part number;

a part name; and

a part description.

Claim 3. The method of claim 1, wherein said evaluating said activity data includes:

determining an occurrence of a demand for said part;

assessing currency of said demand;

quantifying said demand;

wherein results of said determining said occurrence, said assessing said currency, and said quantifying said demand causes said parts database management software application to:

associate said status code with said part data when a first condition is met, the first condition relating to at least one of an absence or presence of the demand, the currency of the demand, and the quantity of the demand; and

perform additional evaluations of said activity data when the first condition is not met.

Claim 4. The method of claim 2, wherein said demand activity includes forecast data related to said part number.

Claim 5. The method of claim 2, wherein said demand activity includes orders received related to said part number.

Claim 6. The method of claim 1, wherein said evaluating said activity data includes:

determining an occurrence of said purchase activity;

assessing currency of said purchase activity;

quantifying refund activity related to said purchase activity;

wherein results of said determining said occurrence, said assessing said currency, and said quantifying said refund activity causes said parts database management software application to:

associate said status code with said part data when a second condition is met, the second condition relating to at least one of an absence or presence of the purchase activity, the currency of the purchase activity, and the quantity of the purchase activity; and

perform additional evaluations of said activity data when the second condition is not met.

Claim 7. The method of claim 1, wherein said evaluating said activity data includes:

determining a date upon which said part number was entered into a database;

determining whether said part number is obsolete;

determining whether said part number is end of life;

wherein results of said determining said date, said determining whether said part number is obsolete, and said determining whether said part number is end of life causes said parts database management software application to:

associate said status code with said part data when a third condition is met, the third condition relating to at least one of the date upon which said part number was entered into a database, a determination of whether the part number is obsolete, and a determination of whether said part number is end of life; and

perform additional evaluations of said activity data when the third condition has not been met.

Claim 8. The method of claim 1, wherein said evaluating said activity data includes determining whether said part number is owned by a group of said enterprise, wherein said results of said determining causes said parts database management software application to associate said status code with said part data.

Claim 9. The method of claim 1, wherein said results of said evaluating are reviewed by a council for said part numbers with said status code.

Claim 10. (canceled)

Claim 11. A storage medium encoded with machine-readable computer program code for facilitating database management processes for an enterprise via a communications network, the storage medium including instructions for causing a computer to implement a method, comprising:

extracting part data relating to a part from a data storage location;

PAGE 15/17 * RCVD AT 10/20/2005 3:40:20 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/31 * DNIS:2738300 * CSID:8602860115 * DURATION (mm-ss):05-06

retrieving activity data related to said part, said activity data including:

demand data;

purchase data; and

creation data;

evaluating said part data and said activity data;

associating a status code with said part data based upon results of said evaluating; and

storing said part data and said status code in said data storage location, wherein said facilitating said database management processes is accomplished by a parts database management software application.

Claim 12. The storage medium of claim 11, wherein said part data includes:

a part number;

a part name; and

a part description.

Claim 13. The storage medium of claim 11, wherein said evaluating said activity data includes:

determining an occurrence of a demand for said part;

assessing currency of said demand;

quantifying said demand;

wherein results of said determining said occurrence, said assessing said currency, and said quantifying said demand causes said parts database management software application to:

associate said status code with said part data when a first condition is met; and

perform additional evaluations of said activity data when a second condition is met.

Claim 14. The storage medium of claim 12, wherein said demand activity includes forecast data related to said part number.

Claim 15. The storage medium of claim 12, wherein said demand activity includes orders received related to said part number.

Claim 16. The storage medium of claim 11, wherein said evaluating said activity data includes:

determining an occurrence of said purchase activity;

assessing currency of said purchase activity;

quantifying refund activity related to said purchase activity;

wherein results of said determining said occurrence, said assessing said currency, and said quantifying said refund activity causes said parts database management software application to:

associate said status code with said part data when a third condition is met; and

perform additional evaluations of said activity data when a fourth condition is met.

Claim 17. The storage medium of claim 11, wherein said evaluating said activity data includes:

determining a date upon which said part number was entered into a database;

determining whether said part number is obsolete;

determining whether said part number is end of life;

wherein results of said determining said date, said determining whether said part number is obsolete, and said determining whether said part number is end of life causes said parts database management software application to:

associate said status code with said part data when a fifth condition is met; and

perform additional evaluations of said activity data when a sixth condition is met.

Claim 18. The storage medium of claim 11, wherein said evaluating said activity data includes determining whether said part number is owned by a group of said enterprise, wherein said results of said determining causes said parts database management software application to associate said status code with said part data.

Claim 19. The storage medium of claim 11, wherein said results of said evaluating are reviewed by a council for said part numbers with said status code.

Claim 20. The storage medium of claim 11, wherein said status code includes:

an active status; and

an inactive status.